THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9914 of 1999

Dated:26.12.2007

Between

M.Sivaiah

..Petitioner

and

Works Manager, APSRTC, Miyapur

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9914 of 1999

ORDER:

This writ petition is filed seeking a Mandamus to declare the proceedings No.L4/785(194) 1998 CRD dated 5.8.1998 as arbitrary and illegal and consequently to direct the respondents to grant continuity of service along with back wages to the petitioner.

It appears that the petitioner was suspended from service in view of certain charges framed against him on 10.2.1986 and after conducting a detailed enquiry, he was removed from service on 8.3.1987. Aggrieved by the same, the petitioner filed an application under Section 2-A (2) of the Industrial Disputes Act, 1947 and the Labour Court, however, held that the order of removal was valid, but directed the respondents to consider the case of the petitioner for appointment as a Driver in any

future vacancy, without reference to the earlier irregularity. Aggrieved thereby, the petitioner filed W.P.No.19923 of 1994 and the said writ petition was disposed of on 17.6.1997 by a Division Bench of this Court observing as under:

> "Heard. Having regard to the facts and circumstances of the case, we direct the petitioner to make a representation to the authorities within two months from the date of receipt of the order and on receipt of such representation, the authorities to consider the case of the petitioner within three months thereafter keeping in view the observation made by the labour Court.

Keeping in view the said observations, the respondents passed the impugned order directing reinstatement of the petitioner without continuity of service and without any back wages. Aggrieved by the same, the petitioner filed the present writ petition.

The writ petition is misconceived. The *lis* between the parties was already concluded in the Judgment of the Division Bench dated 17.6.1997. Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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26-12-2007

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